

RULEMAKING NOTICE FORM

Notice Number 2015-107

Rule Number He-W 748.01

1. Agency Name & Address: Department of Health and Human Services Division of Family Assistance 129 Pleasant St., Brown Bldg. Concord, NH 03301	2. RSA Authority: <u>RSA 161:4-a, IV</u>
	3. Federal Authority: _____
	4. Type of Action:
	Adoption _____
	Amendment _____
	Repeal _____
	Readoption _____
	Readoption w/amendment <u>X</u>

5. Short Title: **Mileage Reimbursement for the Food Stamp Employment and Training (FSET) Program**

6. (a) Summary of what the rule says and of any proposed amendments:

He-W 748.01 describes the requirements that Food Stamp (FS) recipients must meet to receive mileage reimbursement while participating in the FS program's employment and training (FSET) job search program.

The proposed amendments to He-W 748.01 are as follows:

- **To increase the mileage reimbursement rate for the Food Stamp Employment and Training (FSET) job search program from \$0.21 per mile to \$0.30 per mile to align with the current mileage reimbursement rate of the New Hampshire Employment Program (NHEP) as designated in He-W 655.06(e)(2)a.;**
- **To increase the maximum monthly reimbursement amount from \$40 to \$100;**
- **To eliminate the 6 month per federal fiscal year time limit for receiving mileage reimbursement;**
- **To require FSET participants who have been reimbursed for 12 or more total months to participate in employment reassessments every 6 months and submit monthly verification of utilization of NH Works Offices; and**
- **To correct an outdated rule reference in He-W 748.01(f).**

6. (b) Brief description of the groups affected:

The proposed rule amendments benefit citizens that participate in FSET and are eligible for additional reimbursement. Gas and service stations may benefit from an increase in fuel purchases as a result of participants traveling more.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<u>Rule</u>	<u>Federal Reg./RSA</u>
He-W 748.01	RSA 161:2,XIII; RSA 161:4-a,IV; 7 CFR 273.7(c)(4) & (d)(4); 7 USC 2015(d)(4)(B)(i) & (d)(4)(I)(i)(I)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Catherine Bernhard	Title:	Rules Coordinator
Address:	Dept. of Health and Human Services Administrative Rules Unit 129 Pleasant Street, Brown Bldg. Concord, NH 03301	Phone #:	271-9374
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TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, August 6, 2015**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, July 30, 2015 at 1:30 PM**

Place: [**DHHS, Brown Bldg, Room 232, 129 Pleasant St., Concord, NH 03301**](#)

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **15:101** , dated **6/11/15**

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules will increase state costs and may increase benefits to state citizens and independently owned businesses by an indeterminable amount.

2. Cite the Federal mandate. Identify the impact of state funds:

Although 7 USC 2015(d)(4)(I)(i)(I) requires states to provide reimbursement of actual transportation costs to individuals participating in Food Stamp Employment and Training (FSET), the increased mileage rate, increased monthly reimbursement maximum, and removal of the 6 month per federal fiscal year limit on benefits are not federally mandated.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

The proposed rule increases the mileage reimbursement rate for participants of the Food Stamp Employment and Training job search program (FSET) from \$.21 per mile to \$.30 per mile and eliminated a 6 month per federal fiscal year limit on said mileage benefits. Additionally, the proposed rule increases the maximum monthly reimbursement amount from \$40 to \$100. Based on an anticipated increase in participation associated with the increased benefit of 30% combined with the increased mileage rate, increased monthly reimbursement maximum, and the elimination of the 6 month per federal fiscal year limitation on benefits; the Department estimates the annual cost of the proposed rule will increase by approximately \$4,032 annually. One half of this amount, or \$2,016, is State general funds and the remainder is federal funds.

B. To State citizens and political subdivisions:

State citizens will benefit to the extent they participate in the FSET and are eligible for additional mileage reimbursement. See A above.

C. To Independently owned businesses:

Independently owned businesses will benefit to the extent additional fuel is purchased as a result of the increased benefits. See A above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule does not create a new program or responsibility. The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-A of the N.H. Constitution.

Readopt with amendments He-W 748.01, effective 7-30-10 (Document #9763), cited and to read as follows:

PART He-W 748 EMPLOYMENT AND TRAINING REQUIREMENTS

He-W 748.01 Reimbursement for Mileage.

(a) Individuals participating in the food stamp employment and training (FSET) job search program, pursuant to 7 USC 2015(d)(4)(B)(i), shall be provided mileage reimbursement as funding and resources allow.

(b) Pursuant to 7 USC 2015(d)(4)(I)(i)(I), mileage reimbursement shall be paid for the actual cost of transportation ~~at \$.21 multiplied by the number of miles traveled as determined pursuant to (c) below.~~

(c) Mileage reimbursement ~~shall not~~:

(1) ~~Exceed \$40 a month; or~~ Be calculated by multiplying the actual number of miles traveled by the participant in the FSET job search program by the current mileage reimbursement rate, as described in He-W 655.06(e)(2)a.; and

(2) ~~Be provided for more than 6 months out of 12 months, within a federal fiscal year. Not exceed \$100 per month.~~

(d) Food stamp recipients participating in the food stamp employment and training job search program, pursuant to 7 USC 2015(d)(4)(B)(i), shall be eligible to receive mileage reimbursement when the following conditions are met:

(1) The documented costs of mileage is for the sole purpose of searching for employment;

(2) Job search documentation includes:

a. The date the mileage costs were incurred;

b. The employer's name, address, phone number, and the name of the person contacted during the job search activity;

c. The position or type of work that was associated with the job search activity;

d. The specific actions taken during the job search activity;

e. The miles traveled;

f. The participant's printed name and dated signature ~~certifying~~ attesting under the penalty of unsworn falsification, pursuant to RSA 641:3, that the job search documentation provided is true and accurate;

g. The participant's recipient identification (RID) ~~case~~-number; and

(3) Documentation is submitted no later than 90 days from the date of travel.

(e) To remain eligible for mileage reimbursement, participants in the FSET job search program who have received mileage reimbursement for 12 or more months over his or her lifetime receipt of food stamp benefits shall:

(1) Participate in a reassessment every 6 months to determine the FSET participant's abilities, skills, and barriers to employment while continuing to search for employment; and

(2) Provide monthly verification of utilization of NH works offices to aid in job search efforts.

(f)(e) Mileage reimbursement shall be issued as a cash deposit into the recipient's:

(1) Bank account through the electronic funds transfer (EFT) system, as defined in He-W 601.62203(n); or

(2) EBT account, as defined in He-W 701.04, or another electronic payment card provided by the department if the recipient does not have a bank account or the recipient's bank does not accept direct deposit.

APPENDIX

<u>Rule</u>	<u>Federal Reg./RSA</u>
He-W 748.01	RSA 161:2,XIII; RSA 161:4-a,IV; 7 CFR 273.7(c)(4) & (d)(4); 7 USC 2015(d)(4)(B)(i) & (d)(4)(I)(i)(I)